



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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Attorney General

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October 16, 2008

Bruce Gould, Executive Director
Virginia Motor Vehicle Dealer Board
2201 West Broad Street, Suite 104
Richmond, Virginia 23220

Re: Authority to Promulgate New Model Public Participation Guidelines to
Replace and Repeal Existing Public Participation Guidelines

Dear Director Gould:

I have reviewed the above-referenced new model public participation guidelines for the Motor Vehicle Dealer Board, which are exempt from the requirements of the Administrative Process Act, and are designed to replace and to repeal existing public participation guidelines now found at 24 VAC 22-10, and will appear at 24 VAC 22-11.

In my view, as counsel for the Motor Vehicle Dealer Board, the Board possesses both the statutory and the implied authority to promulgate regulations relating to the model public participation guidelines pursuant to Virginia Code §§ 2.2-4007.12 and 46.2-1506.

I would note that that in the new guidelines posted on the Virginia Regulatory Town Hall web site, the statutory authority for each section of the guidelines is listed as Virginia Code §§ 2.2-4007.12 and 46.2-1503.4. The latter citation should be corrected to § 46.2-1506, but this change would not require any substantive change to the guidelines themselves. Rather, it would entail merely a technical correction prior to their publication in the VAC.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me. As usual, I greatly appreciate your patience.

Sincerely,

Eric K. G. Fiske
Senior Assistant Attorney General